

### REMARKS

Applicant gratefully acknowledges the courtesy of the Examiner in granting an interview to Applicant's representatives Sanford T. Colb, registration number 26,856, on 15 June 2005.

In the interview, independent claims 78 and 96 were discussed. Specifically, Nakagawa et al. (4,865,321) was reviewed for the key feature of "authenticating the player" (not authenticating the medium). Based on the review of Nakagawa et al., it appears that Nakagawa et al. is deficient in this teaching, and thus, the claims of the present invention appear to be distinguished over the prior art of record.

Claims 78, 80 - 82, 84 - 86, and 96 - 102 are pending in the present application.

Claims 78, 80 - 82, 84 - 86, and 96 - 102 stand rejected under 35 U.S.C. 112 for failing to particularly point out and distinctly claim the invention.

Claims 78, 80 - 82, 84 - 86, and 96 - 102 recite the limitation "the DVD" and "said DVD". The Examiner rejected claims 78, 80 - 82, 84 - 86, and 96 - 102 for lack of antecedent basis for this limitation.

Applicant respectfully calls the Examiner's attention to the preamble of both of independent claims 78 and 96: "A method for protecting access to content recorded on a media recording disk (DVD)..." (emphasis added).

Applicant respectfully points out that the recital, in the preamble, of "a media recording disk (DVD)" provides proper antecedent basis for the limitation "the DVD" and "said DVD" in the body of claims 78 and 96.

Claims 78 and 96 are therefore deemed allowable.

Claims 80 - 82, 84 - 86 all depend, either directly or indirectly, from claim 78. Claims 80 - 82, 84 - 86 are therefore deemed allowable with reference to the above discussion of the allowability of claim 78.

Claims 97 - 102 all depend, either directly or indirectly, from claim 96. Claims 97 - 102 are therefore deemed allowable with reference to the above discussion of the allowability of claim 96.

Claims 78, 81, 82, 96, 98, and 99 stand rejected over Nakagawa et al under 35 U.S.C. 103(a).

Nakagawa et al. describes a cartridge for use in a gaming machine.

As mentioned above, and discussed in the interview, Nakagawa et al. is deficient in the teaching of "authenticating the player" (not authenticating the medium).

Specifically Nakagawa et al. (col. 11 line 46 - col. 14 line 31) discusses a protocol between the gaming machine main unit and the cartridge. The cartridge of Nakagawa et al. may, for the sake of argument, and in view of the Examiner's position, be viewed as corresponding to the disk in the present invention. Similarly, the gaming machine main unit in Nakagawa et al. may, for the sake of argument, and in view of the Examiner's position, be viewed as corresponding to the player in the present invention.

Repeatedly, Nakagawa describes the authentication of the storage device by the player:

- col. 12, lines 36 - 38: Accordingly, when the cartridge is authentic, the ciphered codes generated in the key microprocessor 36 become identical. (emphasis added)
- col. 12, lines 61 - 63: ... but also coincidence in the time axis are taken into consideration to determine whether or not the cartridge is authentic. (emphasis added)
- col. 13, lines 4 - 6: Thereby, the gaming machine main unit 42 is inhibited to execute the game program. (I.e. if the cartridge does not pass authentication, the player will not play.)
- col. 13, lines 54 - 58: If the cartridge 10 loaded in the gaming machine main unit 42 is not authentic, the result of the arithmetic operation by the both do not coincide, and therefore the lock microprocessor 202 forcibly puts the CPU 198 and the PPU 100 and the like in the reset state... (emphasis added)
- col. 14, lines 21 - 23: Therefore the determination of whether or not the cartridge 10 is authentic can be made with a high degree of certainty. (emphasis added)

In the present invention, by contrast, the player is authenticated by the disk (“... wherein said disk security chip, after assuring that said DVD player is authentic, sends said DVD player said disk key” (claims 78 and 96, emphasis added)). The prior art of record does not show or suggest any such feature.

Applicant respectfully points out that the claims of the present application are, in fact, “agnostic” as to whether the disk is authenticated by the player.

Claims 78 and 96 are therefore deemed allowable.

Claims 81 and 82 depend, either directly or indirectly, from claim 78. Claims 81 and 82 are therefore deemed allowable with reference to the above discussion of the allowability of claim 78.

Claims 98 and 99 depend, either directly or indirectly, from claim 96. Claims 98 - 99 are therefore deemed allowable with reference to the above discussion of the allowability of claim 96.

Claims 80, 84, 97, and 100 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. in view of Friedman et al. (6,240,513).

Friedman et al. describes a network security device connected between a protected client and a network. The network security device negotiates a session key with any other protected client. Then, all communications between the two clients are encrypted.

Applicant respectfully points out that the device of Friedman et al. provides security in a network, and therefore, the data protected is dynamically changing. In the embodiments of the present invention claimed in claims 80, 84, 97, and 100, by contrast, the data to be protected is comprised on a DVD, and therefore, static in nature.

In any event, claims 80 and 84 depend from claim 78.

Claims 80 and 84 are therefore deemed allowable in light of the above discussion of the allowability of claim 78.

Claims 97 and 100 depend from claim 96.

Claims 97 and 100 are therefore deemed allowable in light of the above discussion of the allowability of claim 96.

Claims 85, 86, 101, and 102 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. in view of Litman (5,988,500).

Litman describes a system and method whereby elongated magnetic elements can be inserted into items to provide readable magnetic patterns which provide reproducible or unique signal patterns to identify or authenticate the items.

Applicants respectfully traverse the Examiner's rejection based on Litman as stated in the response to the Office Action mailed on 9 February 2005.

Applicants further respectfully point out that in the system of Litman, **a foreign element** is added to the system to be authenticated, and the geometries resulting from the addition of the foreign element are used to authenticate the system.

By contrast, the present invention, as claimed in claim 85 and 101, "a geometric property of the DVD" is used for authentication. In claims 86 and 102, that limitation is further limited to **a specific inherent property**, namely "an angle between layers of said DVD."

Claims 85 and 86 depend, either directly or indirectly, from claim 78.

Claims 85 and 86 are therefore deemed allowable both in light of the above discussion of Litman and the above discussion of the allowability of claim 78.

Claims 101 and 102 depend, either directly or indirectly, from claim 96.

Claims 101 and 102 are therefore deemed allowable, both in light of the above discussion of Litman and the above discussion of the allowability of claim 96.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

  
Respectfully submitted,

JULIAN COHEN  
c/o LADAS & PARRY  
26 WEST 61st STREET  
NEW YORK, N. Y. 10023  
Reg. No. 20302 (212) 708-1887